

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

COOPERVISION, INC.,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 06-239 (SLR)
)	
CIBA VISION CORP.,)	
)	
Defendant.)	

**PLAINTIFF COOPERVISION INC.'S UPDATE
REGARDING THIRD PARTY OBJECTIONS**

As directed by the Court during the September 5, 2007 telephone conference,¹ Plaintiff CooperVision Inc. provides this update regarding Johnson & Johnson Vision Care, Inc.'s ("JJVC") objections to the production of its documents. On September 14, 2007, CooperVision and JJVC agreed that CooperVision's outside counsel may review the documents to which JJVC has objected. If CooperVision's outside counsel identifies JJVC documents that CooperVision would like to use in this matter, beyond those JJVC has already agreed may be used, outside counsel for CooperVision and JJVC will then meet and confer in an effort to reach a resolution. *See* Exhibits A & B. To the extent disputes arise during this process that cannot be resolved between the parties, CooperVision will reapproach the Court.

¹ *See* D.I. 67, Hearing Transcript 24:2-5 (Sept. 5, 2007) ("It would be helpful if by next week, September 12th, that I get a definitive answer from somebody as to whether there's a real dispute anymore or whether you all have managed to act reasonably in this regard.").

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

/s/ Jack B. Blumenfeld

Jack B. Blumenfeld (#1014)

Rodger D. Smith II (#3778)

1201 N. Market Street

P.O. Box 1347

Wilmington, DE 19899

(302) 658-9200

jblumenfeld@mnat.com

rsmith@mnat.com

Attorneys for Plaintiff

CooperVision, Inc.

Of Counsel:

Morgan Chu

David I. Gindler

IRELL & MANELLA LLP

1800 Avenue of the Stars, Suite 900

Los Angeles, CA 90067

(310) 277-1010

September 14, 2007

CERTIFICATE OF SERVICE

I, Jack B. Blumenfeld, hereby certify that on September 14, 2007 I electronically filed the foregoing with the Clerk of the Court using CM/ECF, which will send notification of such filing(s) to the following:

Karen L. Pascale, Esquire
YOUNG, CONAWAY, STARGATT & TAYLOR LLP

I also certify that copies were caused to be served on September 14, 2007 upon the following in the manner indicated:

BY ELECTRONIC MAIL and HAND DELIVERY

Karen L. Pascale, Esquire
YOUNG, CONAWAY, STARGATT & TAYLOR, LLP
The Brandywine Building
1000 West Street, 17th Floor
Wilmington, DE 19801

BY ELECTRONIC MAIL and FIRST CLASS MAIL

John P. Iwanicki, Esquire
BANNER & WITCOFF, LTD.
28 State Street
Boston, MA 02109

/s/Jack B. Blumenfeld
Jack B. Blumenfeld (#1014)
jblumenfeld@mnat.com

EXHIBIT A

I R E L L & M A N E L L A L L P

A REGISTERED LIMITED LIABILITY LAW PARTNERSHIP
INCLUDING PROFESSIONAL CORPORATIONS

1800 AVENUE OF THE STARS, SUITE 900
LOS ANGELES, CA 90067-4276
TELEPHONE (310) 277-1010
FACSIMILE (310) 203-7199

840 NEWPORT CENTER DRIVE, SUITE 400
NEWPORT BEACH, CALIFORNIA 92660-6324

TELEPHONE (949) 760-0991
FACSIMILE (949) 760-5200
WEBSITE: www.irell.com

WRITER'S DIRECT
TELEPHONE (949) 760-5112
FACSIMILE (949) 760-5200
slarson@irell.com

September 11, 2007

VIA E-MAIL

Timothy J. Barron
Jennfer & Block LLP
330 N. Wabash Avenue
Chicago, IL 60611-7603

Re: CooperVision, Inc. v. CIBA Vision Corp., C.A. 06-239-SLR (D. Del.)

Dear Tim:

I write regarding CooperVision's compromise proposal to have its outside counsel hold the documents Johnson & Johnson is objecting to on an attorneys-eyes-only basis. As I explained last Thursday, these documents would be examined only by CooperVision's outside counsel and, if we identify documents we would like to use in this matter, beyond those Johnson & Johnson has already agreed may be used, we would be in touch with Johnson & Johnson to discuss how to proceed. You indicated that you would respond to this proposal by Monday, September 10, but I have yet to hear back. We would be most appreciative if you would let us know at your earliest convenience, and in no event later than 5:00 PM tomorrow, whether Johnson & Johnson agrees to this proposal.

Sincerely,

/s Stephen Larson

Stephen W. Larson

SWL:sl

EXHIBIT B

Larson, Stephen

From: Barron, Timothy J [TBarron@jenner.com]
Sent: Friday, September 14, 2007 7:01 AM
To: Larson, Stephen
Subject: RE: CooperVision v. CIBA

Dear Stephen:

JJVC agrees that CIBA may produce the documents Coopervision seeks that contain JJVC confidential information to Coopervision's outside counsel in accordance with the terms outlined in your September 11, 2007 letter.

Very truly yours,

Tim Barron

Timothy J. Barron
Jenner & Block LLP
330 N. Wabash Avenue
Chicago, IL 60611-7603
Tel (312) 923-8309
Fax (312) 923-8409
TBarron@jenner.com
www.jenner.com

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From: Larson, Stephen [mailto:SLarson@irell.com]
Sent: Tuesday, September 11, 2007 7:14 PM
To: Barron, Timothy J
Subject: CooperVision v. CIBA

Dear Tim,

Please see the attached letter.

<<1751544_1.pdf>>

Regards,

Stephen Larson

Irell & Manella LLP
840 Newport Center Drive
Suite 400
Newport Beach, CA 92660-6324
949.760.5286
E-mail: slarson@irell.com

ccmailg.irell.com made the following annotations

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